IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(Crl.).No. 46 of 2007(S)

PETITIONER:

SAHIR.N., S/O.NOORUDEEN,
T.C.NO. 49/186, SOFI MANZIL,
KALLATTUMUKKU, MANAKKAD,
THIRUVANANTHAPURAM.

BY ADV. DR.P.S.KRISHNA PILLAI
SRI.JOHN SAM N

RESPONDENTS:
---

1. OUSEPH RISENS GOMAZ, RESIDING AT
'AMRITH', MULAVANA JUNCTION,
KUNNUKUZHI, THIRUVANANTHAPURAM.

2. SHAUN GOMAZ, S/O.OUSEPH RISENS GOMEZ,
RESIDING AT 'AMRITH', MULAVANA JUNCTION,
KUNNUKUZHI, THIRUVANANTHAPURAM.

3. THE STATION HOUSE OFFICER,
MEDICAL COLLEGE POLICE STATION,
THIRUVANANTHAPURAM.

4. THE CITY POLICE COMMISSIONER,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(Crl).NO.46 OF 2007

Dated this the 20th day of March, 2007.

JUDGMENT

Koshy, J.

This is a petition for Habeas Corpus to produce the wife of the petitioner, who is the daughter of first respondent. We have directed the Government Pleader to send a woman police constable in civil dress and make a discreet enquiry. A statement was recorded by the woman constable wherein it is stated by the Girl that while she was studying for First Year M.B.B.S, she acquainted with the petitioner and they went to Tamil Nadu and got themselves married and lived together for some time. But she wanted to continue her studies. So she came back to her parents and now she is continuing her studies. Since she is studying in the college we rule out the allegation that she is under illegal custody of the parents. Without prejudice to the right of the petitioner to approach family court, if the marriage is valid, the Writ Petition(Habeas Corpus) is dismissed as it is not established that she is under illegal custody of her parents.

J.B.KOSHY, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

bkn